

108TH CONGRESS  
1ST SESSION

# H. R. 1494

To provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. OTTER (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

5               (1) The Government of Korea and the banks  
6       that it owns and controls have provided over

1       \$16,000,000,000 in financial assistance to Hynix  
2       Semiconductor.

3           (2) Hynix Semiconductor is essentially a bank-  
4       rupt entity that would not be able to obtain loans  
5       from commercial sources.

6           (3) Hynix Semiconductor has recently been im-  
7       plicated in the illegal transfer of funds to North  
8       Korea in 2000.

9           (4) The subsidies provided by the Government  
10      of Korea to Hynix Semiconductor are special and  
11      deferential and are provided specifically for the ben-  
12      efit of that company.

13          (5) The financial contributions made by the  
14      Government of Korea provide a substantial benefit  
15      to Hynix.

16          (6) The imports of these subsidized products  
17      have caused material injury to the United States in-  
18      dustry producing dynamic random access memory  
19      (DRAM) semiconductors, including substantial oper-  
20      ating losses and significant layoffs of employees.

21   **SEC. 2. IMPOSITION OF COUNTERVAILING DUTIES ON**  
22                           **HYNIX.**

23      If, in conducting an investigation under subtitle A of  
24      title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et  
25      seq.) to determine whether to impose countervailing duties

1 on entries of dynamic random access memory (DRAM)  
2 semiconductors produced by Hynix Semiconductor—

3           (1) the administering authority makes an af-  
4 firmative determination under section 703(d) of that  
5 Act with respect to such semiconductors, then the  
6 amount of a cash deposit, bond, or other security or-  
7 dered under section 703(d)(1)(B) of that Act shall  
8 be 80 percent ad valorem for each entry of the sub-  
9 ject merchandise, in lieu of any amount that would  
10 otherwise be ordered;

11           (2) the administering authority makes an af-  
12 firmative determination under section 705(c) of that  
13 Act with respect to such semiconductors, then the  
14 amount of a cash deposit, bond, or other security or-  
15 dered under section 705(c)(1)(B)(ii) of that Act  
16 shall be 80 percent ad valorem for each entry of the  
17 subject merchandise, in lieu of any amount that  
18 would otherwise be ordered; and

19           (3) the administering authority issues a coun-  
20 tervailing duty order under section 706 of that Act  
21 with respect to such semiconductors, then the  
22 amount of the countervailing duty required under  
23 section 706(a)(1) of that Act and the amount of the  
24 deposit of estimated countervailing duties required  
25 under section 706(a)(3) of that Act shall be 80 per-

1 cent ad valorem for each entry of the subject mer-  
2 chandise, in lieu of any amount that would otherwise  
3 be ordered.

4 **SEC. 3. ADMINISTRATIVE REVIEWS.**

5 If, pursuant to a review under subtitle C of title VII  
6 of the Tariff Act of 1930 (19 U.S.C. 1675 et seq.) of a  
7 countervailing duty order described in section 2(3), the  
8 countervailing duty order is continued, then the amount  
9 of the countervailing duty required under the order, and  
10 the amount of the deposit of estimated countervailing du-  
11 ties required for entries of the subject merchandise, shall  
12 be 80 percent ad valorem for each entry of the subject  
13 merchandise, in lieu of any amount that would otherwise  
14 be ordered.

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